

As the provisions of the Leahy-Smith AIA continue to take effect, our nation's innovation infrastructure becomes much stronger, unleashing the full potential of American innovators and job creators.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the Senate amendment to H.R. 6621 because the measure improves the America Invents Act—the most significant reform to the Patent Act since 1952—that was signed into law by President Obama last year. Earlier this month, the House passed H.R. 6621 by a vote of 308–89. The Senate subsequently passed the legislation with an amendment by unanimous consent. Now that the America Invents Act is law, our focus should be on how it can be improved, which is why I support H.R. 6621, because it accomplishes that very goal in several respects.

To begin with, H.R. 6621 clarifies and improves the provisions to help implement the America Invents Act. The bill clarifies provisions dealing with patent term adjustments, derivation proceedings, inventor's oath, and the terms of the Patent Public Advisory Committee.

The Senate amendment to this bill makes one change to the House-passed bill by removing the provision requiring the Patent Office to prepare a report on pre-GATT patent applications that have now been pending before the Patent Office for over 18 years. Although this provision has been removed, we must continue to study ways to improve the patent system and make sure that there are not delays to receiving patent protection.

The bill clarifies the act's advice of counsel section as it applies to civil actions commenced on or after the date of this legislation's enactment. This is important because the original bill created a new section 298 of title XXXV that prevents the use of evidence of an accused infringer's failure to obtain advice of counsel, or his failure to waive privilege and introduce such opinion, to prove either willfulness or intent to induce infringement. The provision, however, failed to specify when the new authority would go into effect, and it would be unfair to apply the new rule retroactively to pending cases which anticipate using such evidence.

In addition, H.R. 6621 makes a series of other technical clarifications to the act. In some, the bill makes necessary constructive technical corrections to the America Invents Act and avoids including any substantive revisions to the act.

It is my hope that the Judiciary Committee will continue its oversight of the act into the next Congress and consider ways in which it can be further improved. I urge my colleagues to support the bill.

I yield back the balance of my time. Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Texas (Mr. SMITH) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6621.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

INTERCOUNTRY ADOPTION UNIVERSAL ACCREDITATION ACT OF 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3331) to provide for universal intercountry adoption accreditation standards, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Inter-country Adoption Universal Accreditation Act of 2012”.

SEC. 2. UNIVERSAL ACCREDITATION REQUIREMENTS.

(a) IN GENERAL.—The provisions of title II and section 404 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and related implementing regulations, shall apply to any person offering or providing adoption services in connection with a child described in section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)), to the same extent as they apply to the offering or provision of adoption services in connection with a Convention adoption. The Secretary of State, the Secretary of Homeland Security, the Attorney General (with respect to section 404(b) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14944)), and the accrediting entities shall have the duties, responsibilities, and authorities under title II and title IV of the Intercountry Adoption Act of 2000 and related implementing regulations with respect to a person offering or providing such adoption services, irrespective of whether such services are offered or provided in connection with a Convention adoption.

(b) EFFECTIVE DATE.—The provisions of this section shall take effect 18 months after the date of the enactment of this Act.

(c) TRANSITION RULE.—This Act shall not apply to a person offering or providing adoption services as described in subsection (a) in the case of a prospective adoption in which—

(1) an application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for a child is filed before the date that is 180 days after the date of the enactment of this Act; or

(2) the prospective adoptive parents of a child have initiated the adoption process with the filing of an appropriate application in a foreign country sufficient such that the Secretary of State is satisfied before the date that is 180 days after the date of the enactment of this Act.

SEC. 3. AVAILABILITY OF COLLECTED FEES FOR ACCREDITING ENTITIES.

(a) Section 403 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14943) is amended by striking subsection (c).

(b) REPORT REQUIREMENT.—Section 202(b) of the Intercountry Adoption act of 2000 (42 U.S.C. 14922(b)) is amended by adding at the end the following:

“(5) REPORT ON USE OF FEDERAL FUNDING.—Not later than 90 days after an accrediting entity receives Federal funding authorized by section 403, the entity shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes—

“(A) the amount of such funding the entity received; and

“(B) how such funding was, or will be, used by the entity.”.

SEC. 4. DEFINITIONS.

In this Act, the terms “accrediting entity”, “adoption service”, “Convention adoption”, and “person” have the meanings given those terms in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material in the RECORD on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 3331, the Intercountry Adoption Universal Accreditation Act of 2012. This bipartisan bill, which recently received unanimous consideration in the Senate, is the Senate-side companion to H.R. 6027, which is the bipartisan House bill introduced by my good friend from New Jersey (Mr. SIREN).

This bill requires that all intercountry adoption providers in the U.S. meet the same accreditation standards regardless of whether the adoption is from a Hague Convention signatory country.

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Mr. Speaker, before I close, I would like to direct attention to yet another outrage perpetrated by Russian strongman Vladimir Putin, one that he has knowingly directed at innocent Russian children awaiting adoption. His action was a shameful response to legislation overwhelmingly adopted by the Congress that targets Russian officials engaged in human rights abuses, specifically those regarding Sergei Magnitsky.

Magnitsky was a Russian lawyer killed in prison after having uncovered massive government corruption, including senior officials in Putin's regime. Instead of prosecuting those

criminals, Putin has instead cruelly chosen to target Russian orphans by banning adoptions by Americans.

Tens of thousands of Russian children have been adopted by families in this country, who have given these innocents the love and protection they otherwise likely would have never known. Now, countless numbers may be condemned to tragic lives, knowingly sacrificed by Vladimir Putin in a sickening effort to show the world just how tough he is. Is there any additional proof needed of the despicable nature of this man and his regime?

I call upon President Obama to tell Putin that the U.S. cannot and will not engage in a business-as-usual relationship with a regime so utterly devoid of humanity, a regime that deliberately tears apart the lives of its own children by depriving them the love of those Americans who wish only to give these innocents a family and a better future.

Let those in the administration who turn their eyes from this outrage explain to these orphans why they must be sacrificed for the sake of good relations with the Putin regime.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I rise in support of S. 3331, the Intercountry Adoption Universal Accreditation Act of 2012, and I yield myself such time as I may consume.

I would like to thank Senator KERRY and my colleague from New Jersey, a member of the Foreign Affairs Committee, Mr. SIRE, for their hard work on this legislation.

This bill ensures American families adopting children will be protected from unethical and fraudulent practices by international adoption agencies. For years, conflicting country-by-country standards have plagued the international adoption process, causing harm to adoptive children and families.

The bill would expand accreditation standards to cover all international adoptions. Presently, those standards apply only to adoptions from countries that are parties to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, known as the Hague Convention.

Accreditation standards help prevent the sale of children, thwart fraudulent financial practices, and ensure transparency in fees and the adoption process. They also encourage agencies to employ staff with professional qualifications and training.

This is a commonsense bill that should have been enacted long ago. Less than half of all families adopting internationally are protected by the Hague Adoption Convention process, and we want to make sure that we protect all families that open their homes and hearts to children in need of loving families. I urge my colleagues to support this legislation.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, we have no further requests for time, and we are ready to yield back once the gentleman from California yields back.

Mr. BERMAN. Mr. Speaker, I don't see the one individual who asked to join me in speaking on this, so I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, S. 3331.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

FOREIGN AID TRANSPARENCY AND ACCOUNTABILITY ACT OF 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3159) to direct the President, in consultation with the Department of State, United States Agency for International Development, Millennium Challenge Corporation, and the Department of Defense, to establish guidelines for United States foreign assistance programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Aid Transparency and Accountability Act of 2012".

SEC. 2. GUIDELINES FOR UNITED STATES FOREIGN DEVELOPMENT ASSISTANCE.

(a) PURPOSE.—The purpose of this section is to evaluate the performance of United States foreign development assistance and its contribution to policy, strategies, projects, program goals, and priorities undertaken by the United States, to foster and promote innovative programs to improve the effectiveness of United States foreign development assistance, and to coordinate the monitoring and evaluation processes of Federal departments and agencies that administer United States foreign development assistance.

(b) ESTABLISHMENT OF GUIDELINES.—Not later than 18 months after the date of the enactment of this Act, the President shall establish guidelines regarding the establishment of measurable goals, performance metrics, and monitoring and evaluation plans that can be applied with reasonable consistency to United States foreign development assistance. Such guidelines should be established according to best practices of monitoring and evaluation studies and analyses.

(c) OBJECTIVES OF GUIDELINES.—

(1) IN GENERAL.—The guidelines established under this section shall provide direction to

Federal departments and agencies that administer United States foreign development assistance on how to develop the complete range of activities relating to the monitoring of resources, the evaluation of projects, the evaluation of program impacts, and analysis that is necessary for the identification of findings, generalizations that can be derived from those findings, and their applicability to proposed project and program design.

(2) OBJECTIVES.—Specifically, the guidelines shall provide direction on how to achieve the following objectives for monitoring and evaluation of programs:

(A) Building measurable goals, performance metrics and monitoring and evaluation into program design at the outset, including the provision of sufficient program resources to conduct monitoring and evaluation.

(B) Disseminating guidelines for the development and implementation of monitoring and evaluation programs to all personnel, especially in the field, who are responsible for the design, implementation, and management of United States foreign development assistance programs.

(C) Contributing to the collection and dissemination of knowledge and lessons learned to United States development professionals, implementing partners, the international aid community, and aid recipient governments, and as a repository of knowledge on lessons learned.

(D) Distributing evaluation reports internally.

(E) Establishing annual monitoring and evaluation agendas and objectives.

(F) Applying rigorous monitoring and evaluation methodologies, including choosing from among a wide variety of qualitative and quantitative methods common in the field of social scientific inquiry.

(G) Partnering with the academic community, implementing partners, and national and international institutions that have expertise in monitoring and evaluation and analysis when such partnerships will provide needed expertise or will significantly improve the evaluation and analysis.

(H) Developing and implementing a training plan for appropriate aid personnel on the proper conduct of monitoring and evaluation programs.

(d) IMPLEMENTATION OF GUIDELINES.—Beginning not later than one year after the date on which the President establishes the guidelines under this section, the head of each Federal department or agency that administers United States foreign development assistance shall administer the United States foreign development assistance in accordance with the guidelines.

(e) PRESIDENTIAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the President shall submit to Congress a report that contains a detailed description of the guidelines that have been developed on measurable goals, performance metrics, and monitoring and evaluation plans for United States foreign development assistance established under this section. The report shall be submitted in unclassified form to the maximum extent possible, but may include a classified annex.

(f) COMPTROLLER GENERAL REPORTS.—The Comptroller General of the United States shall—

(1) not later than one year after the date of the enactment of this Act, submit to the appropriate congressional committees a report that contains an analysis of the actions that the major Federal departments and agencies that administer United States foreign development assistance have taken to ensure that United States foreign development assistance program evaluation is planned, conducted, and utilized effectively; and